

AUGUST 25, 2005

City Council Minutes

The Round Rock City Council met Regular Session on Thursday, August 25, 2005, in the City Council Chamber, 221 E. Main Street.

CALL SESSION TO ORDER – 6:15 P.M.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, and Councilmember Scott Rhode. Councilmember Carlos T. Salinas arrived as the Council was entering the Executive Session. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

EXECUTIVE SESSIONS:

3.A. Executive Session as authorized by §551.074 Government Code, related to evaluation and compensation for the City Manager. The Council recessed to the Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order at 6:21 p.m. and adjourned this item at 7:10 p.m. The following items were addressed at the end of the meeting.

3.B. Executive Session as authorized by §551.072 Government Code, related to the purchase of a portion of Lot 1, Block A, Oakmont Centre, Section Seven, 1.377 acres, for the future Fire Station No. 7.

3.C. Executive Session as authorized by §551.072 Government Code, related to the purchase of 0.161 acres for the Sam Bass Road Project. (Central Texas Retail Portfolio)

3.D. Consider Executive Session as authorized by §551.072 Government Code, to consider the acquisition of Lot 1, Final Plat of Tellabs Subdivision, approximately 75 acres, for the future police station.

CALL REGULAR SESSION TO ORDER – 7:15 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, and Councilmember Scott Rhode. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS: None

PROCLAMATIONS: None

PRESENTATIONS:

9.A.1. Consider a presentation regarding the Government Financial Officers Association Budget Award. Cindy Demers, Finance Director made the staff presentation. The City has received the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada for FY 2004-2005. This award

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represents a significant achievement by the City of Round Rock. It reflects the commitment of the Council and staff to meeting the highest principles of government budgeting. In order to receive the budget award the City had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well the City's budget serves as a policy document, a financial plan, an operations guide, and a communications device. Achievement of the award indicates that the City's budget meets rigorous criteria and provides information in a nationally standardized manner. Bond rating agencies, investors and other parties interested in the City finances look upon the documents and processes of award recipients as having greater clarity and validity.

9.B.1. Consider a presentation regarding the Transportation Capital Improvement Program (TCIP) quarterly report. David Bartels, Transportation Services Project Manager made the staff. The TCIP is a three-year spending plan for improvements to major roads and arterials in the City. Funding for this plan is provided through the ½-cent sales tax established for the purpose of transportation improvements. Mr. Bartels gave a brief overview of item the Board addressed this quarter. He also gave an update on the following projects.

- A.W. Grimes Phase II – Notice of Award
- IH-35 Area Improvements – Bid Opening
- Traffic Signals
 - Notice of Award
 - RM 620 at Round Rock Hospital
 - Bid Opening
 - Old Settlers Blvd. and Sunrise
 - Gattis School Road and Meister Lane
 - Gattis School Road and Double Creek Drive
- Red Bud Lane Phase III – Advanced Funding Agreement with TxDOT
- Under Construction
 - FM 1460 – TxDOT Managed Project
 - Double Creek Drive Phase II
 - Forest Creek Drive
 - Red Bud Lane Phase I
 - Red Bud Lane Phase II

9.C.1. Consider a presentation regarding awards to the Round Rock Convention and Visitors Bureau from the Texas Association of Convention and Visitors Bureau. Nancy Yawn, Convention and Visitors Bureau Director made the staff presentation. Ms. Yawn reported that the Round Rock Convention and Visitors Bureau received eight first-prize awards this year for its one-year-old Sports Capital of Texas marketing campaign. The Bureau won four of five People's Choice Award categories it entered and two of the Judge's Award categories from the Texas Association of Convention and Visitors Bureau. The Bureau was recognized for its sports marketing campaign, marketing video, local awareness campaign and website. In January, the Bureau won its first prize of the year in the category of Best Tourist Bureau Web Site by the North American Travel Journalists Association. In June, the Chair, which is the most visible of the bureau's marketing tools is a folding red, white and blue nylon chair,

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was named the first prize winner in the Best Use of Promotional Item category by the Texas Association of Municipal Information Offices.

9.C.2. Consider a presentation of the Tourism Commission's recommendations for Event Funding for 2005-2006. This item was withdrawn from the agenda at the request of staff.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. There was no separate discussion on any of these items. Item 12.C.4. was removed from the consent agenda and regular agenda.

*11.A. Consider approval of the City Council minutes for August 11, 2005.

*12.A.1. Consider an ordinance amending the 2004-2005 Hotel Occupancy Tax Budget (Second Reading)

*12.C.4. Consider an ordinance rezoning 2.05 acres of land from District LI (Light Industrial) to District PUD No. 63 (Planned Unit Development). (Second Reading) *This item was withdrawn from the consent and regular agenda at the request of staff.*

*13.B.1. Consider a resolution authorizing the Mayor to execute a contract with Phoenix Irrigation for the Greenhill Park Development Project.

*13.C.1. Consider a resolution authorizing a property tax refund to TJX Companies, Inc. for 2004 taxes in the amount of \$627.94.

*13.D.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to the Contract for Engineering Services with PBS&J, Inc. for the extension of Palm Valley Boulevard east of Mays Street westerly to RM 620.

MOTION: Councilmember Honeycutt moved to approve all the remaining items on the consent agenda. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*11.A. Consider approval of the City Council minutes for August 11, 2005.

This item was approved under the consent agenda.

ORDINANCES:

*12.A.1. Consider an ordinance amending the 2004-2005 Hotel Occupancy Tax Budget (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2004-2005 HOTEL OCCUPANCY TAX BUDGET.

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12.B.1. Consider an ordinance amending Chapter 10, Sections 10.100 and 10.200, of the Round Rock Code of Ordinances (1995 Edition) regarding water and sewer fees and utility billing policies. (First Reading) Tom Clark, Utilities Director made the staff presentation. This ordinance updates bulk water meter fees, meter deposits, charges for additional trips and fees to move bulk water meters that will allow the City to recover its cost for providing these services. Water meter deposits are being increased and residential customer's deposits will be refunded after one year's timely payment. The time required to pay a late bill is being extended and discontinuing the Medicaid Exemption was recommended. Additional language was added to prevent the planting of plants or building structures that hamper our ability to read meters and customers will be allowed a variance for documented water leaks with a plumber's statement. The Utility Billing Policies and Procedures are being updated to allow for cost recovery to provide services, streamline fees and rates, minimize overtime costs and bring fees in line with surrounding communities.

The Council and staff discussed the discontinuance of the Medicaid Exemption. In addition, Mr. Clark responded to Council's question regarding the implementation of the new regulations and how residents will be informed.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF ROUND ROCK, TEXAS, CODE OF ORDINANCES (1995 EDITION), CHAPTER 10, SECTION 10.100 RELATING TO GENERAL WATER AND SEWER SYSTEM POLICIES AND SECTION 10.200, RELATING TO WATER AND SEWER RATES AND UTILITY BILLING POLICIES; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem McGraw moved to amend the ordinance by retaining the Medicaid exemption. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to adopt the ordinance with the approved amendment. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

12.C.1. Consider an ordinance amending the General Plan to include a summary of the proposed Northeast Plan and revising the Future Land Use Map. (First Reading) Jim Stendebach, Planning Director made the staff presentation. This proposed ordinance will amend the Future Land Use Map contained in the General Plan in accordance with the

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recommendations of the Northeast Plan. The proposed amendments were discussed at a presentation to the Council on July 14, 2005, and at a public hearing on August 11, 2005. In the analysis of the Northeast Plan, the changes to the Future Land Use Map are centered on the IH-35 corridor and are intended to reflect current market conditions. In addition to the changes to the Future Land Use Map, the proposed ordinance will add a small section to the text of the General Plan referencing the Northeast Plan. In this way, the rationale behind the amendments to the Future Land Use Map and the policy guidelines for implementing zoning changes included in the Northeast Plan will be linked to the overall land use development goals presented in the General Plan. The amended version of the Future Land Use Map uses the City's new extraterritorial jurisdiction (ETJ) boundary rather than the ETJ used in the 2000 version of the map. Because there are differences between the old ETJ boundary and the new ETJ boundary, certain areas within the boundary of the new ETJ do not have future land use designations. These areas will be addressed in subsequent phases of the General Plan update.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GENERAL PLAN OF THE CITY OF ROUND ROCK, TEXAS, CODIFIED UNDER SECTION 11.107, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO AMEND CHAPTER 5; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

MOTION: Mayor Pro-tem McGraw moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

12.C.2. Consider an ordinance adopting the Northeast Plan. (First Reading)

Jim Stendebach, Planning and Community Development Director made the staff presentation. One of the goals from the 2003 City Council retreat was to focus on development in the northeast quadrant of the City. Since that time, City staff has been busy laying the groundwork and negotiating development packages for some significant

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developments at IH-35 and Chandler Road, including the Round Rock Premium Outlets and Ikea store. At the same time, staff has been focused on the overall development prospects for all of northeast Round Rock, primarily assessing the compatibility of the City's long range goals and Future Land Use Map with current and future market conditions. In order to keep pace with the rapid rate of development in the northeast, this plan (the Northeast Plan) has been divided into four phases, beginning at IH-35 and eventually ending at SH 130. As each phase is completed and adopted, it will be added to the Northeast Plan, thus building the contents of the plan incrementally. The first phase covers the IH-35 corridor, including the intersection of IH-35 and Chandler Road, and makes recommendations for amending the Future Land Use Map contained in the General Plan.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE "NORTHEAST PLAN" FOR THE CITY OF ROUND ROCK TO PROVIDE A GUIDE FOR DETERMINING THE APPROPRIATE ZONING DESIGNATIONS IN NORTHEASTERN ROUND ROCK; TO ESTABLISH THE BOUNDARIES OF THE PLAN AREA; AND PROVIDING FOR A SAVINGS CLAUSE; AND REPEALING ALL CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

12.C.3. Consider an ordinance amending Chapter 8 of the Round Rock Code of Ordinances (1995 Edition) regarding inspection fees, electronic plats, and requirements for amending plats. (First Reading) Jim Stendebach, Planning and Community Development Director made the staff presentation. The following amendments attempt to resolve a number of recurring issues staff has encountered since the adoption of the Subdivision Ordinance in 2004.

Inspection Fees (Section 8.116)

The inspection fee for public improvements was inadvertently omitted with the adoption of the new Subdivision Ordinance in 2004. The proposed fee is the same fee charged under

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the former ordinance. The inspection fee is equal to one and one-half percent of the actual total construction costs of installing and constructing the public improvements being inspected.

Electronic Plats (Sections 8.204, 8.206, 8.207, 8.208, 8.209)

The current ordinance requires the submittal of electronic plats along with traditional reproducible plats. Electronic plats, specifically for final plats, are essential in maintaining the accuracy of the city's Geographic Information System (GIS) whereas electronic plats for Concept Plans are used for utilities modeling. Under the current system, applicants turn in electronic plats during the staff review and comment period, which falls roughly in the middle of the 30-day plat review cycle. The intent is to provide the applicant with the opportunity to make changes to the plat based on staff comments and corrections.

Unfortunately, applicants have not been submitting the electronic plat during the review period; city staff has had to repeatedly follow-up with applicants to acquire electronic files. In some instances, electronic files have never been submitted. To eliminate this problem, staff recommended that electronic plats be submitted earlier in the plat cycle, specifically in accordance with the official filing date for Concept Plans, Final plats, Minor Subdivision Final Plats, Replats and Amending plats. Should electronic plats be missing from the official filing application, staff will have the ability to reject the application at the outset of the plat cycle because it is incomplete. The electronic plat for the Preliminary Plat will continue to be accepted during the staff review period, because this phase of plat development is more prone to changes than the final plat phase.

Engineer requirements for Amending Plat (Section 8.209)

The current ordinance requires that the Developer's engineer prepare an Engineer's Report in order to certify Amending Plats. In the majority of cases, the Amending Plat is used simply to correct minor errors or make minor adjustments to a recorded plat. In order to reduce application costs for Amending Plats, staff proposes that the City Engineer have the authority to waive the requirement of an Engineer's Report for Amending Plats. In addition, staff recommended that the City Engineer may waive the requirement for an Engineer's Report when lots are being consolidated under a single owner or when lot lines are being adjusted and no alterations or expansions to the existing public improvements are necessary.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8, SECTIONS 8.116, 8.204, 8.206, 8.207, 8.208, 8.209, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO AMEND THE FEE SCHEDULE; TO AMEND REQUIREMENTS FOR CONCEPT PLANS, FINAL PLATS, MINOR SUBDIVISION FINAL PLATS, REPLATS AND AMENDING PLATS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Rhode seconded the motion.

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VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

*12.C.4. Consider an ordinance rezoning 2.05 acres of land from District LI (Light Industrial) to District PUD No. 63 (Planned Unit Development). (Second Reading)

This item was removed from the agenda at the request of staff.

12.D.1. Consider an ordinance determining the public necessity for the acquisition of a fee simple interest in a 1.377 acre parcel of land for the Fire Station #7 Project, and if necessary, authorizing the City Attorney to initiate eminent domain proceedings. (First Reading) This item was addressed after the Executive Session.

12.D.2. Consider an ordinance determining the public necessity for the acquisition of a fee simple interest in a 0.161 acre parcel of land for the Sam Bass Road Project, and if necessary, authorizing the City Attorney to initiate eminent domain proceedings. (Central T.R. Austin Retail Corp.) (First Reading) This item was addressed after the Executive Session.

RESOLUTIONS:

13.A.1. Consider a resolution authorizing the Mayor to execute a Real Estate Contract for the purchase of 0.161 acres with Central T.R. Austin Retail Corp. for the Sam Bass Road Project. This item was addressed after the Executive Session.

*13.B.1. Consider a resolution authorizing the Mayor to execute a contract with Phoenix Irrigation for the Greenhill Park Development Project. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the Greenhill Park Development Project, and

WHEREAS, Phoenix Irrigation has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of Phoenix Irrigation, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with Phoenix Irrigation for the Greenhill Park Development Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of August 2005.

*13.C.1. Consider a resolution authorizing a property tax refund to TJX Companies, Inc. for 2004 taxes in the amount of \$627.94. This item was approved under the consent agenda.

RESOLUTION NO. _____

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WHEREAS, the City of Round Rock is mandated by V.T.C.A., Tax Code §31.11 to refund, upon taxpayer application to the tax collector of its taxing unit and upon verification by the auditor of its taxing unit, any overpayment or erroneous payment of taxes; and

WHEREAS, if such amount exceeds \$500.00, then the governing body of the taxing unit must also determine that the payment was erroneous or excessive and must approve the refund, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the following named taxpayer, TJX companies, Inc. has made an overpayment or erroneous payment of 2004 taxes in the amount of \$627.94; that such amount is in excess of \$500.00; that such overpayment or erroneous payment has been verified by the Tax Collector; and that application for refund has been made to the Tax Collector by said taxpayers.

The Council further finds and makes a determination that the payment was erroneous or excessive; and further approves such refund in the amount of \$627.94.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of August 2005.

13.C.2. Consider a resolution approving the funding of certain capital projects from the General Self-Financed Construction Fund. Cindy Demers, Finance Director made the staff presentation. Earlier this year, staff gathered a list of priority projects from all City departments. Through review with the City Manager as well as feedback from the City Council, a list that identifies the priority projects was created resulting from this process. This resolution approves the list of priority projects for the City's Self-Financed Construction Fund. This list contains existing projects currently in progress and previously approved through prior year budget revision transfers as well as additional projects identified through this year's prioritization process. The additional projects will be funded with the amounts available from FY 2004 and the anticipated FY 2005 transfer from the City's General Fund. In order to track funding sources for the projects, staff segmented the projects into annual spending plans. Ms. Demers outlined the following list.

Funding Sources

Pre 2004 Amount for Projects in Progress	4,414,000
2004 Available	5,000,000
FY 2005 Estimated End of Year Transfer	<u>3,000,000</u>
Total Funding Sources	<u>\$12,414,000</u>

Uses

Self-Financed Project Budget

Pre 2004 Remaining Projects

CR 122	1,600,000
Police Mobile Data Terminal Project	600,000
Reuse Water at OSP	764,000
City Software and Network Upgrades	290,000
Downtown/Correa Property Purchase	<u>1,160,000</u>
Total Pre 2004 Remaining Projects	<u>\$4,414,000</u>

2005 Capital Spending Plan

Fire Station #7 and Rescue Program	2,000,000
Golf Course Loan	1,000,000
Old Settler's Park Improvements	750,000
Round Rock West Streets	500,000
Gattis School Road corridor Enhancement	250,000
Animal Shelter (regional program)	<u>500,000</u>
Total 2005 Capital Spending Plan	<u>\$5,000,000</u>

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2006 Capital Spending Plan

Police Building Construction	3,000,000 *
Total Self-Financed Construction Projects	<u>\$12,414,000</u>

*Total Project estimated at \$20,000,000 – Additional Funding Required

RESOLUTION NO. _____

WHEREAS, the City Staff and the City Council have studied and assessed the needs of the City for certain capital projects, and

WHEREAS, the City Council desires to prioritize and fund these needed capital projects from the Self-Financed Construction Fund, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the list of capital projects along with their estimated costs as shown in Exhibit "A", attached hereto and incorporated herein, are approved for funding from the General Self-Financed Construction Fund.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of August 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

13.C.3. Consider a resolution approving the action of the Transportation System Development Corporation concerning the State Infrastructure Bank Loan Agreement with the State of Texas for the IH-35 Area Improvements from Chandler Road to Westinghouse Road. Cindy Demers, Finance Director made the staff presentation. The Round Rock Transportation System Development Corporation made an application to the State Infrastructure Bank (SIB) for a loan not to exceed \$7 million for the improvements along IH35 from Chandler Road to Westinghouse Road. The 4B Corporation previously obtained two loans from the SIB totaling \$31 million for the SH45 frontage road projects. Following are the terms of the loan.

Loan terms:

4.0% per annum to maturity
15-year amortization with equal annual principal and interest payments
No debt service reserve requirement
Subordinate lien position
No additional bonds test

The loan will be repaid from the ½ % sales tax dedicated to transportation improvements.

RESOLUTION NO. _____

WHEREAS, the Board of Directors of the Round Rock Transportation System Development Corporation ("RRTSDC") wishes to enter into a State Infrastructure Bank Loan Agreement with the State of Texas for the IH-35 from Chandler Road to Westinghouse Road Project, and

WHEREAS, the City Council wishes to approve of such action, Now Therefore

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City Council hereby approves the action of the Round Rock Transportation System Development Corporation in entering into a State Infrastructure Bank Loan Agreement with the State of Texas to borrow up to \$7,000,000 for the IH-35 from Chandler Road to Westinghouse Road Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of August 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

*13.D.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to the Contract for Engineering Services with PBS&J, Inc. for the extension of Palm Valley Boulevard east of Mays Street westerly to RM 620. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a Contract for Engineering Services ("Contract") with PBS&J for the extension of Palm Valley Boulevard east of Mays Street westerly to RM 620, and

WHEREAS, PBS&J has submitted Supplemental Agreement No. 1 to the Contract to modify the provisions for the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 1 with PBS&J, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 to the Contract for Engineering Services with PBS&J, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of August 2005.

13.E.1. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with the Texas Department of Transportation for temporary water meters along SH-45. Tom Clark, Director of Utilities made the staff presentation. The Texas Department of Transportation (TXDOT) is building State Highway 45 within the corporate boundaries of the City and will install six-1.5" and three 1" temporary irrigation water meters to establish vegetation in medians and other areas of the project. Since the meters are temporary, TXDOT requested that the \$164,043 impact fee be waived. This agreement will terminate in three years and the meters will be removed. Staff recommended that the request be granted.

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RESOLUTION NO. _____

WHEREAS, Chapter 791 of the Texas Government Code, V.T.C.A., authorizes local governments and agencies of the state to enter into agreements with one another to perform governmental functions and services, and

WHEREAS, the City of Round Rock wishes to enter into an Interlocal Agreement with the Texas Department of Transportation for temporary water meters along SH-45, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Interlocal Agreement with the Texas Department of Transportation, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of August 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Rhode
 Mayor Maxwell

 Nays: Councilmember Salinas

ACTION: The motion carried with 5 ayes and 1 nay.

13.F.1. Consider a resolution authorizing the Mayor to execute a Real Estate contract for the acquisition of approximately 75 acres, with Penta Jeffrey Way, L.P., for the future police station. Bryan Williams, Chief of Police made the staff presentation. The Police Department has been planning the construction of a new headquarters building since City voters approved \$7 million in bond funding for a new building in 2001. A tract was purchased since that time, but in early 2005, preliminary discussions began with the Tellabs property owners about locating the Department in that facility. Although significant renovation would be required of the existing building, the tract would be significantly larger than the original property purchased. The larger-sized tract would allow for master planning to place several training facilities all at the same site. The proposed purchase would provide a facility that allows for the Police Department's expansion into the foreseeable future. In addition, the land attached to the building and related facilities would allow the development of significant public safety training facilities that would provide long-term benefits to the City. The Police Department's Community Strategic Planning Committee reviewed the proposal this summer. That group gave the project its support.

RESOLUTION NO. _____

WHEREAS, the City desires to purchase a tract of land known as Lot 1, Final Plat of Tellabs Subdivision (a replat), a subdivision in Williamson County, Texas, also known as 601 Jeffrey Way, for the new Police Department building, and

WHEREAS, Penta Jeffrey Way, L.P., the owner of the property, has agreed to sell said property to the City, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Sale of Real Property with Penta Jeffrey Way, L.P., for the purchase of the

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above described property, a copy of said Contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of August 2005.

MOTION: Councilmember McGraw moved to approve the resolution with the amendment that the amount of the earnest money is \$10,000 and not \$100,000.

Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

13.G.1. Consider a resolution directing the Planning Director to prepare a service plan concerning the annexation of certain areas of land located in Williamson County, Texas.

Jim Stendebach, Planning Director made the staff presentation. These tracts of land are located within the City of Round Rock's ETJ and Williamson County. The Seton and Chandler ROW tracts include the new Seton Medical Center site and adjacent roadways. The medical center is located adjacent to the new Texas State University campus. The annexation of the adjacent roadways at this time allows the City to annex lands further to the east. The remaining ROW tracts are portions of county roads that are part of the City Master Transportation Plan. It is the City's desire to have them annexed into the city limits in order to expand the Arterial Roadway system and provide consistent police and fire protection. A description of the tracts are Seton and Chandler ROW tracts: 71.52 acres out of the Abel Eaves and Barney Low Surveys (Seton Medical Center); 0.324 acres out of the Abel Eaves and Joseph Mott Surveys (Nelson Homestead Family Tract); 6.019 acres of land out of the Abel Eaves and Joseph Mott Surveys (FM 1460); 6.913 acres of land out of the Barney Low and Abel Eaves Surveys (Chandler Road); CR 122 ROW: 12.622 acres out of the Joseph Marshall, Willis Donahue and Robert McNutt Surveys (CR 122); and Louis Henna Blvd. & A.W. Grimes Boulevard ROW: 0.46 acres out of the Memucan Hunt Survey (CR 170) and 4.399 acres out of the Memucan Hunt Survey (Louis Henna Boulevard).

RESOLUTION NO. _____

WHEREAS, Section 43.065(a) of the Texas Local Government Code requires that, within certain specified statutory timeframes, the City Council of the City of Round Rock must direct the City's Planning Director to prepare a service plan that provides for the extension of full municipal services to the areas which are proposed for annexation, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City Council hereby directs the City's Planning Director to prepare a service plan that provides for the extension of full municipal services to the following areas proposed for annexation, said properties being further described in Exhibit "A" attached hereto and incorporated herein for all purposes:

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- (1) Seton and Chandler ROW (71.52 acres, 0.324 acres, 6.019 acres, and 6.913 acres);
- (2) CR 122 ROW (12.622 acres); and
- (3) Louis Henna Boulevard & A.W. Grimes Boulevard (0.46 acres, and 4.399 acres).

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of August 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

14.A. Consider discussion and/or action regarding evaluation and compensation for the City Manager. Councilmember Rhode reported that the Council concluded their evaluation of the City Manager, which was overwhelmingly favorable. In determining the amount of a pay increase for the City Manager, the Council looked at the market-based salary survey the City conducts to compare its pay schedule to municipalities locally and statewide. Positions falling below 10% of the midpoint of average salaries are granted salary increases. The City Manager is not a part of that equation. His current salary is 16% below the market. They looked at the benchmark for a merit increase, which is 2.5% to 6% and determined that Mr. Nuse's increase would be 4%. It was the consensus of the Council that Mr. Nuse deserves more than a 4% raise, like a lot of employees, but they are trying to stay within the constraints of the budget.

MOTION: Mayor Pro-tem McGraw moved that the City Manager receive a 4% increase in pay effective with the next pay period. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

COUNCIL COMMENTS:

Mayor Maxwell noted that the Round Rock Higher Education Center opened its doors yesterday (August 24) to its first students. He added that this has been a goal and dream of many individuals in the community.

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3.B. Executive Session as authorized by §551.072 Government Code, related to the purchase of a portion of Lot 1, Block A, Oakmont Centre, Section Seven, 1.377 acres, for the future Fire Station No. 7. The Council recessed to the Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order at 8:41 p.m. and adjourned this item at 8:50 p.m.

3.C. Executive Session as authorized by §551.072 Government Code, related to the purchase of 0.161 acres for the Sam Bass Road Project. (Central Texas Retail Portfolio) The Council recessed to the Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order at 8:51 p.m. and adjourned this item at 8:55 p.m.

3.D. Consider Executive Session as authorized by §551.072 Government Code, to consider the acquisition of Lot 1, Final Plat of Tellabs Subdivision, approximately 75 acres, for the future police station. The Council recessed to the Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order at 8:56 p.m. and adjourned this item at 9:10 p.m.

12.D.1. Consider an ordinance determining the public necessity for the acquisition of a fee simple interest in a 1.377 acre parcel of land for the Fire Station #7 Project, and if necessary, authorizing the City Attorney to initiate eminent domain proceedings. (First Reading) Steve Sheets, City Attorney made the staff presentation. This resolution provides authorization for the City Attorney to initiate eminent domain proceedings to acquire this needed parcel from Chandler Creek, L.P. for the construction of Fire Station #7.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE FEE SIMPLE ACQUISITION OF APPROXIMATELY 1.377 ACRES; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR A FIRE STATION, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas
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Councilmember Rhode
Mayor Maxwell
Nays: None
ACTION: The motion carried unanimously.

12.D.2. Consider an ordinance determining the public necessity for the acquisition of a fee simple interest in a 0.161 acre parcel of land for the Sam Bass Road Project, and if necessary, authorizing the City Attorney to initiate eminent domain proceedings. (Central T.R. Austin Retail Corp.) (First Reading) The Council did not address this item.

RESOLUTIONS:

13.A.1. Consider a resolution authorizing the Mayor to execute a Real Estate Contract for the purchase of 0.161 acres with Central T.R. Austin Retail Corp. for the Sam Bass Road Project. Steve Sheets, City Attorney made the staff presentation. This contract with Central T.R. Austin Retail Corporation is for right-of-way acquisition for the Sam Bass Road project.

RESOLUTION NO. _____

WHEREAS, the City desires to purchase a 0.161 acre tract of land for additional right-of-way for the Sam Bass Road Project, and

WHEREAS, Central T.R. Austin Retail Corporation, the owner of the property, has agreed to sell said property to the City, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Real Estate Contract with Central T.R. Austin Retail Corporation, for the purchase of the above described property, a copy of said Real Estate Contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of August 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell
Nays: None

ACTION: The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary